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August 10, 2005

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: WC Docket No. 05-196: deltathree, Inc./iConnectHere 911 Acknowledgment
Status and Compliance Report**

Dear Ms. Dortch:

Pursuant to the Public Notice (the “Notice”) issued on July 26, 2005 by the Enforcement Bureau of the Federal Communications Commission (“FCC”), deltathree, Inc. is hereby submitting the 911 Acknowledgment Status and Compliance Report (the “Report”) on behalf of its voice over Internet protocol (“VoIP”) consumer division, iConnectHere (“ICH”).

For purposes of this Report, the term “Subscriber” refers to ICH customers who use “interconnected VoIP services” (as defined in the FCC’s *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Further Notice of Proposed Rulemaking, 2005 WL 1323217, FCC, (rel. June 3, 2005) (“VoIP E911 Order”).

The following contains a detailed description of each item that is required to be in this Report. Each item appears in the same chronological order as provided in the Notice.

1. All actions provider has taken to specifically advise every subscriber of the circumstances under which E911 services may not be available through the interconnected VoIP service.

- On or about July 14, 2005, ICH included in its customer terms of use (located on the ICH website) a prominent notice entitled “911 Emergency Service Notice” (the “911 Notice”). The 911 Notice was marked in red bold letters and highlighted in a red box. In plain language, our 911 Notice explains that ICH currently does not offer 911 or E911 emergency services and that it is working to offer a solution as required by the VoIP E911 Order.
- On or about July 20, 2005, ICH included the 911 Notice (including a request to acknowledge the notice) as part of the ICH on-line subscription process whereby potential Subscribers, as a

prerequisite to becoming new ICH Subscribers, are required to affirmatively read and acknowledge the 911 Notice.

- On or about July 20, 2005, ICH designed the 911 Notice (including a request to acknowledge the notice) to appear automatically in each existing Subscriber's account as the first page of the account after the Subscriber logs into the account. The existing Subscriber is required to acknowledge the 911 Notice prior to taking any other action with respect to his or her account.
- On or about July 22, 2005, ICH mailed to its Subscribers a letter and warning stickers (see Item 3 below). Included in this letter, among other things, has a reminder that ICH currently does not offer 911 or E911 emergency services and that it is developing a solution as required by the VoIP E911 Order.
- On or about July 20, 2005, ICH distributed an email communication (the "911 Email Communication") to its existing Subscribers that contained, among other things, (i) an explanation about the current non-availability of 911 or E911 emergency services, (ii) instructions for acknowledging the non-availability of the emergency services, (iii) explanation of the effect on a Subscriber's service for not completing the required acknowledgment by July 29, 2005, and (iv) explanation that ICH is working to offer 911 and E911 emergency services as required by the VoIP E911 Order. To remind non-acknowledging existing Subscribers of this important information, we followed up this initial distribution with repeated distributions of the 911 Email Communication on July 23, July 26 and July 28th.
- On or about July 22, 2005, ICH created a voice message communications that contained a summary of the information provided in the 911 Email Communication and distributed this voice message to all ICH Subscribers via voice mail.
- On or about August 4, 2005, ICH distributed an email communication to ICH Subscribers who had not provided affirmative acknowledgments through the date of the email. The email, among other things, reminded such Subscribers of the acknowledgment requirement and explained that if a Subscriber does not provide an affirmative acknowledgment by August 29, 2005, ICH will disconnect such Subscriber's ability to make inbound or outbound calls using VoIP services. ICH anticipates repeatedly distributing a summary of this email on a weekly basis.
- On or about August 15, 2005, ICH anticipates distributing a voice message communication to non-acknowledging Subscribers containing a summary of the information in the immediately preceding bullet point above.

2. Quantification of subscribers, on a percentage basis, who have submitted an affirmative acknowledgment as of the date of this Report, and an estimate of percentage of Subscribers from whom we do not expect to receive acknowledgments by August 29, 2005.

- Approximately 82% of the total number of ICH Subscribers have submitted acknowledgments, as of the date of this Report.
- ICH anticipates, to the best of its knowledge, that it may not receive acknowledgments from approximately 10% of the total number of ICH Subscribers by August 29, 2005.

3. Description of whether and how the provider distributed to all subscribers warning stickers warning Subscribers of the non-availability (or limitation) of E911 service and instructing Subscribers to place them on and/or near the equipment used in connection with interconnected VoIP service.

- On or about July 22, 2005, ICH distributed by mail to all its existing Subscribers a letter (the “Warning Sticker Letter”) with attached self-adhesive detachable warning sticker warning of the current non-availability of emergency services. The letter contained, among other things, an explanation of the warning stickers and instructions for placing the stickers on or near the equipment used in connection with the interconnected VoIP services.
- On or about the week of August 8, 2005, we anticipate also sending by email a copy of the Warning Sticker Letter, along with a digital printable warning sticker, to any Subscribers who’s Warning Sticker Letter was returned due to an invalid address.
- On or about July 22, 2005, ICH began including the Warning Sticker Letter in the ICH “starter kit” package for new Subscribers.

4. Quantification of how many subscribers, on a percentage basis, to whom provider did not send the 911 Emergency Notice (described in Item 1 above) and/or to whom the provider did not send warning stickers (described in Item 3 above).

- ICH sent the 911 Emergency Notice described in Item 1 above to all ICH Subscribers using ICH’s interconnected VoIP services.
- ICH sent the warning stickers described in Item 3 above to all ICH Subscribers using ICH’s interconnected VoIP services.

5. Description of actions the provider plans on taking toward any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the Subscriber’s VoIP services no later than August 30, 2005.

- On or about August 4, 2005, ICH distributed an email communication explaining the consequences of not providing affirmative acknowledgments by August 29, 2005 (see Item 1 above).
- ICH intends to disconnect interconnected VoIP services no later than August 30, 2005 for Subscribers using such services who do not provide affirmative acknowledgments by August 29, 2005.

6. Description of how the provider is currently maintaining acknowledgments received from its Subscribers.

- ICH tracks each Subscriber’s acknowledgment electronically through each Subscriber’s on-line account which is stored in our computer data base.

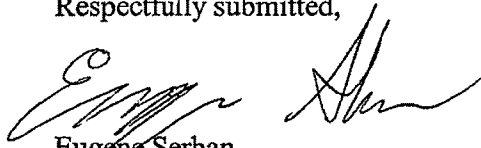
- For a few Subscribers who have multiple accounts, ICH has permitted the option to provide one acknowledgment that applies to all of their accounts. A specific form is provided for this type of acknowledgment, which is filed and stored in the Company computer data base.

7. *Provide the name and contact information of the person(s) responsible for the company's compliance efforts with the VoIP E911 Order.*

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- Outside FCC Counsel, Cherie R. Kiser, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC, 701 Pennsylvania Ave., N.W., Washington, DC 20004, Direct: 202-434-7325; Email: crkiser@mintz.com.

If you need any further information, please do not hesitate to contact me.

Respectfully submitted,



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cc: Byron McCoy, Telecommunications Consumers Division, Enforcement
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